

The grandparent application, U. S. Patent 5,122,136, of the present application described at column 6, lines 28-29, that:

"The helical envelope formed by secondary coil 28 may be cylindrical or conical."

The grandparent application is literally repeated as part of the present application and the identical disclosure is found at page 16, line 1 and 2. The filamentary embodiment of Fig. 6 is disclosed in the parent application, U.S. Patent 5,354,295, of the present application which was a cip of U. S. Patent '136. The same Fig. 6 is in U.S. Patent '295. At column 10 beginning at line 31; the disclosure is made that coil 102 has a plurality of filament or fine hairs 104 extending from it. The first shape referred to in Claim 32 is the shape of the coil within the microcatheter. There is no limitation on the particular shape that coil 102 must assume in the microcatheter, but the disclosure supports that whatever shape that may be, hairs 104 extend from coil 102 consistent with the scope of Claim 32.

Claim 33 states that the filaments are polyester. The composition of the filaments or hairs as being polyester is disclosed in U.S. Patent '295 at column 10, lines 37-43. The identical language is of course repeated in the present continuation application.

Therefore, the applicant respectfully maintains that the filamentary embodiment Fig. 6 as claimed in Claims 32 and 33 are enabled in the disclosure of U. S. Patent '295 and hence in the present application.

The Examiner's rejection with respect to Claim 28 has been noted, and Claim 28 responsively amended.

Rejection Pursuant to 35 U.S.C. 102(e)

Claims 25 - 31 and 34 were also rejected as anticipated by **Ritchart, et al.**, "Vaso-Occulusion Coil and Method," U. S. Patent 4,994,069 (1991). Examiner does not characterize **Ritchart** in any particular.

Claim 25 is directed to a wire for use in the formation of an occlusion within a vascular cavity in conjunction with a microcatheter having an interior lumen. The wire comprises of metal coil. The metal coil has a first shape which conforms to the micro-catheter lumen when the metal coil is disposed within the microcatheter. The metal coil forms a cylindrical or conical envelope when it is disposed out of the microcatheter.

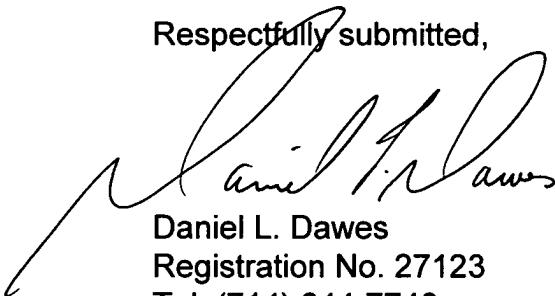
Ritchart discloses a coil wire for use in vaso-occlusion which when stretched has a linear condition in which it can be advanced through a catheter to a selected vessel. When **Ritchart's** wire is relaxed, a convoluted configuration is produced by a helically wound wire in which irregularities have been introduced in the winding. As set forth in the abstract of **Ritchart**, when the wire is released from the catheter, it assumes a randomly coiled, substantially spaced filling mass. The fabrication of the wires are described in connection with Figs. 2A - 2C. During this fabrication, wire 14 in Fig. 2A is formed into a helical winding 20 shown in Fig. 2B. The helical winding is illustrated as having a cylindrical envelope about an axis 23. However, the construction continues by pre-forming the wire ". . . to obtain irregularities in the helical winding, such that the wire adopts a folded, convoluted conformation in a relaxed condition, as illustrated in Fig. 2C." Column 5, lines 11-14. Fig. 2C shows and is described as having a multiple lobed, clover shape. The remaining embodiments illustrated in **Ritchart** provide for even more random configurations of the coil when disposed outside of the catheter.

The use of the wire in the method of vaso-occlusion is described in **Ritchart** in connection with Figs. 8A-8D. Wire 14 is disposed in a linear configuration through catheter 12, as shown in Fig. 8A. Its shape within the catheter is a simple, straight wire without any envelope definition. As wire 14 is then extended from the end of catheter 12 into vessel 70, it assumes a random bird-nest shape as shown in Figs. 8b-8d, 9a-9c and 10. **Ritchart's** coil is neither a cylindrical nor conical envelope at any point in time, even while it is disposed within catheter 12 or when it is disposed outside of it. Therefore, it cannot be maintained that **Ritchart** anticipates each and every element of the invention as claimed.

Claims 26-31 and 34 depend directly or indirectly upon Claim 25 and are allowable therewith and for such additional features as are set forth in each of those claims.

The Examiner is respectfully requested to review the amended claims in light of the foregoing remarks and find that the claims are set forth in a condition suitable for allowance subject to the terminal disclaimer. Advancement of the claims' issuance is respectfully requested.

Respectfully submitted,



Daniel L. Dawes
Registration No. 27123
Tel. (714) 644-7740
Fax (714) 640-0913

Mailing Address:

Daniel L. Dawes
5252 Kenilworth Dr.
Huntington Beach, California 92649